terrorists who have motives also come, number one!

Number two, what is the dimension of smuggling activities? If you have so many fishermen being caught, what is the dimension of the smuggling activities, and what does the Government intend to do immediately?

SHRI EDUARDO FALEIRO: Most of these fishermen are not indulging in smuggling, I must admit that. They just stray into each other country's waters for the purpose of fishing. The problem of the boundary is just not problem of maritime boundary only, but it is also a problem of land boundary in the area, even the land boundary in Sir Creek area.

MR. CHAIRMAN: Not Porbunder. They are all talking about Porbunder.

SHRI EDUARDO FALEIRO: I am only on this question that many of these problem ...

MR. CHAIRMAN: The Porbunder boundary and the maritime boundary both are settled.

SHRI N. K. P. SALVE: It is blatant aggression if they are arrested at Porbunder.

SHRI DINESHBHAI TRIVEDI: What was really in 1990, 1991 and 1992 ...

MR. CHAIRMAN: He has answered that. He has understood it. He has said that better patrolling and all that would be done and that if there was any smuggling he would stop it.

SHRI N. K. P. SALVE: Is it Chairman's reply or the Minister's reply?

MR. CHAIRMAN: That is what he has said. I have only summarised it.

Indian objection to US Attitude towards bilateral agreement between India and Russia

*85. PROF. SAURIN BHATTACHARYA: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether Government have now ascertained the facts of restrictions as may have been imposed by the Government of USA on the Government of Russia in regard to different bilateral agreements between India and Russia;

(b) whether it is a fact that India's objection to USA has not materially brought about any change in attitude towards those agreements; and

(c) if so, the facts and details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI EDUARDO FALEIRO): (a) to (c) Government are aware of some suggestions for restrictions from the US Government on a bilateral agreement between India and Russia in the sphere of space. Discussions between India and Russia are continuing. Discussions are also underway with the United States.

PROF. SAURIN BHATTACHARYA: Mr. Chairman, Sir, the Minister seems to have been rather uncharacteristically brief though the issue covered by the question is rather wide. Precisely speaking, the question is that India had certain agreements, arrangements, with the erstwhile Soviet Union, and now the mantle falls on the Russian Republic either to fulfil those obligations or not to fulfil those obligations. The idea of the question is to get a clear picture regarding the exact position in regard to such agreements with the erstwhile Soviet Union, whose responsibility now devolves on Russia. The Minister's reply really does not throw any light on the specific points.

MR. CHAIRMAN: You ask a specfic point. He will throw light.

PROF. SAURIN BHATTACHARYA: What are the agreements which are pending honouring or implementation by the present Russian Republic? How far is the US opposing their implementation in respect of India? Or, how far and for what reason is the US trying to put restraint on Russia against implementing those agreements?

SHRI EDUARDO FALEIRO: They are only agreement which we are aware of

between India and the Russian Federation against which the United States Administration is bringing obstruction, is this agreement which I have mentioned, which is supply of cryogenic engine to the ISRO. That is the only agreement as far as we know where the US has come in with some obstructions.

PROF. SAURIN BHATTACHARYA : But what about the space technology ? On that question also ....

MR. CHAIRMAN : That is what he has answered.

PROF. SAURIN BHATTACHARYA : No, Sir.

MR. CHAIRMAN : He has answered about that technology. He has said that they have objected, that that is what they know and that they are getting over it.

PROF. SAURIN BHATTACHARYA : In that connection, I would like to have an authoritative statement. Daily in the Press there are reports which, on the face of it, seem to be conflicting. What is the exact official position ? These officers, these Ministers from Russia, have come here and told us, "We won't yield under pressure." So, I want to know what sort of pressure was exerted. What did the Government of India do to counter that pressure and what is the final result of our efforts in regard to making Russia honour this commitment ?

SHRI EDUARDO FALEIRO : The US Administration's point is that the supply of this cryogenic engine itself, much more so the transfer of technology relating to this engine, is in violation, first, of the Missile Technology Control Regime and, second, of their own United States Congressional laws. The position of the Russian Federation is that the Missile Technology Control Regime does not apply to this particular transfer, because the transfer is meant for peaceful purposes and the MTCR, in turn, excludes it from the control when the transfer of technology or such engines are for civilian use and when it is for peaceful purposes. Our position is that this does not come within the MTCR. Our position is also that we have an absolutely perfect record of using this technology for civilian purposes and not for transferring this technology to other countries so that they may use it for some other purpose. Our position finally is that under no circumstances we are going to depart from advancing this cause of space technology on the lines that ISRO is, at the moment, in contract with the Russian Federation.

SHRI KAPIL VERMA : The Russian Secretary of State is here. The hon. Minister and his officers must have had talks with him. I want to know what is the position of the Government now. Is it optimistic about the contract and about what is going on ? I want to know this because today's messages are confusing. The Russian Secretary of State at the Indira Gandhi International Airport yesterday made two statements which are a bit disturbing. One is that India should dispel any wrong notions about the rocket issue and, two, if need be, the help of independent international experts could be taken to sort out the issue. I want to know if he solely relies on it or he wants to associate American experts also for resolution of the issue. What is his impression ?

SHRI EDUARDO FALEIRO : While saying that they do not see that the transfer of the engine and technology is within the scope of the MTCR, they have not specifically mentioned the involvement of the United States.

SHRI KAPIL VERMA : I don't know whether in the talks you were optimistic about it. I would like to know whether these experts will include American experts also. What is the idea of associating international experts in this issue ?

SHRI EDUARDO FALEIRO : The talks are continuing.

SHRI KAPIL VERMA : In this bilateral issue they are trying to include international experts also. *(Interruptions)*

SHRI G. G. SWELL : When this news first came, the words that they preferred to

use were that the United States is 'putting pressure' on the Russian Federation in regard to the transfer of rocket technology.

MR. CHAIRMAN: You put your question, please. This has been repeated by everybody.

SHRI G. G. SWELL: I am putting the question.

MR. CHAIRMAN: Please. Time constraint is there.

SHRI G. G. SWELL: The word used was 'pause'. They did not use the word 'suspend'. After that the word used was that the Russian President, Boris Yeltsin, had sought new conditions from India that this would be used only for peaceful purposes. Has Mr. Burbulis, who is in India today, conveyed this view? What are the new conditions that President Yeltsin has sought from us?

SHRI EDUARDO FALEIRO: Mr. Burbulis has not conveyed any new conditions to us.

SHRI SUBRAMANIAN SWAMY: Some time ago, or rather, recently the Defence Minister had been to the United States and he had described the relations between India and the United States as 'excellent'. I would like to know whether the Foreign Ministry has now revised its opinion in view of the obstructions from the United States on a vital area of interest to us, viz. the rocket technology. Does the Ministry still maintain that our relations with the United States are 'excellent' or they are something 'less excellent'?

SHRI EDUARDO FALEIRO: There is no such thing as "excellent" in everything, with anybody, much less with any country. Sir, the United States is acting as per its laws. We are acting as per our laws. We will continue to act as per our laws, as per our interest, as defined by the Government, by the People of India and by this Parliament.

MR. CHAIRMAN: Q. No. 86.

पटना उच्च न्यायालय में न्यायाधीशों के रिक्त पद

*86. **श्री शंकर दयाल सिंह**: क्या विधि, न्याय और कंपनी कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) पटना उच्च न्यायालय में इस समय कितने न्यायाधीश हैं और उनके कितने पद रिक्त पड़े हैं ;

(ख) पटना उच्च न्यायालय में इस समय कितने मुकदमें लम्बित हैं; और

(ग) रिक्त पद कब तक भर दिये जाएंगे और लंबित मुकदमों का निपटारा कब तक हो जाएगा ?

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARMANGALAM): (a) As on 30-4-1992, the sanctioned strength of the Patna High Court is 35 Judges, 32 Judges are in position leaving 3 vacancies to be filled up.

(b) and (c) The process of consultation among the concerned constitutional authorities for filling up the vacancies is on. It is, however, not possible to indicate the time by when the vacancies will be filled up.

As on 31-12-1991, 65159 cases were pending in the Patna High Court. It is not possible to fix a time limit for the disposal of all pending cases.

श्री शंकर दयाल सिंह: सभापति जी, माननीय न्यायाधीशों के संबंध में कोई भी ऐसी बात नहीं कही जा सकती या कोई भी ऐसी बात नहीं कहनी चाहिये जो कि आपत्तिजनक हो लेकिन सच्चाई यह है कि मुंसिफ और मजिस्ट्रेट के लिये तो किसी-न-किसी तरह का दाखिले का इम्तिहान देना पड़ता है परन्तु जजों की नियुक्ति एक ऐसी नियुक्ति होती है जिनके लिये किसी तरह की परीक्षा की